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11 CITY OF LOS ANGELES

12 **FEE EXEMPT – GOV. CODE § 6103**

13 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
14 **FOR THE COUNTY OF LOS ANGELES**

15 LA BREA WILLOUGHBY COALITION, a
16 California nonprofit Public Benefit Corporation;

17 Petitioner,

18 v.

19 THE CITY OF LOS ANGELES, a charter city and
20 municipal corporation; the LOS ANGELES
21 DEPARTMENT OF CITY PLANNING, an
22 advisory agency of the City of Los Angeles

23 Respondents.

24 **CASE NO. 19STCP04083**

(Case assigned to Hon. Mitchell L. Beckloff,
Dept. 86)

**RESPONDENTS CITY OF LOS ANGELES
AND LOS ANGELES DEPARTMENT OF
CITY PLANNING'S ANSWER TO
VERIFIED PETITION FOR WRIT OF
MANDATE AND COMPLAINT FOR
DECLARATORY RELIEF**

Complaint Filed: September 20, 2019

1 Respondents CITY OF LOS ANGELES and LOS ANGELES DEPARTMENT OF CITY
2 PLANNING (collectively, "Respondent" or "City") hereby answers the Verified Petition for Writ of
3 Mandate and Complaint for Declaratory Relief ("Petition") filed by Petitioner LA BREA
4 WILLOUGHBY COALITION ("Petitioner") in the above-captioned proceeding. For consistency and
5 ease of reference, certain headings in the Petition are repeated in this answer but should not be construed
6 as an admission or adoption of any part of the Petition.

7 INTRODUCTION

8 1. Answering Paragraph 1 of the Petition, the City admits that the above-captioned
9 proceeding concerns a claim made under the California Public Records Act (Gov. Code, § 6250 *et seq.*).
10 The City further contends that the remainder of Paragraph 1 contains argument, speculation, and
11 conclusions of law to which no response is required, and to the extent that a further response is required,
12 the City denies each and every remaining allegation in Paragraph 1.

13 2. Answering Paragraph 2 of the Petition, the City lacks information and belief sufficient to
14 enable it to admit or deny the allegations relating to the identity, intentions, or activities of Petitioner and
15 on that basis denies each and every allegation in Paragraph 2.

16 3. Answering Paragraph 3 of the Petition, the City contends that Paragraph 3 contains
17 argument, speculation, and conclusions of law to which no response is required, and to the extent that a
18 further response is required, the City denies each and every allegation in Paragraph 3.

19 4. Answering Paragraph 4 of the Petition, the City contends that Paragraph 4 contains
20 argument, speculation, and conclusions of law to which no response is required, and to the extent that a
21 further response is required, the City denies each and every allegation in Paragraph 4.

22 PARTIES

23 5. Answering Paragraph 5 of the Petition, the City lacks information and belief sufficient to
24 enable it to admit or deny the allegations relating to the identity, intentions, or activities of Petitioner and
25 on that basis denies each and every allegation in Paragraph 5.

26 6. Answering Paragraph 6 of the Petition, the City admits that it is a charter city and a
27 municipal corporation within the State of California.
28

7. Answering Paragraph 7 of the Petition, the City admits that the Los Angeles Department of City Planning is an agency of the City of Los Angeles. The City further contends that the remainder of Paragraph 7 contains argument, speculation, and conclusions of law to which no response is required, and to the extent that a further response is required, the City denies each and every remaining allegation in Paragraph 7.

JURISDICTION AND VENUE

8. Answering Paragraph 8 of the Petition, the City admits that this Court has jurisdiction over the above-captioned proceeding. The City further contends that Government Code section 6259 speaks for itself and therefore no further response is required. Except as expressly admitted, the City denies each and every remaining allegation in Paragraph 8.

9. Answering Paragraph 9 of the Petition, the City admits that this Court has jurisdiction over the above-captioned proceeding. The City further contends that Civil Code sections 85 and 86 speak for themselves and therefore no further response is required. The City further contends that the remainder of Paragraph 9 contains argument, speculation, and conclusions of law to which no response is required, and to the extent that a further response is required, the City denies each and every remaining allegation in Paragraph 9.

10. Answering Paragraph 10 of the Petition, the City admits that this Court has jurisdiction over the above-captioned proceeding. The City further admits that it is a local government agency within the State of California. The City further contends that the remainder of Paragraph 10 contains argument, speculation, and conclusions of law to which no response is required, and to the extent that a further response is required, the City denies each and every remaining allegation in Paragraph 10.

11. Answering Paragraph 11 of the Petition, the City admits that this Court is the proper venue for the above captioned proceeding. The City further contends that Code of Civil Procedure section 394 and Government Code section 6259 speak for themselves and therefore no further response is required. The City further contends that the remainder of Paragraph 11 contains argument, speculation, and conclusions of law to which no response is required, and to the extent that a further response is required, the City denies each and every remaining allegation in Paragraph 11.

1 **EXHAUSTION OF ADMINISTRATIVE REMEDIES**

2 12. Answering Paragraph 12 of the Petition, the City contends that Code of Civil Procedure
3 sections 6250 *et seq.*, speak for themselves and therefore no further response is required. The City
4 further contends that the remainder of Paragraph 12 contains argument, speculation, and conclusions of
5 law to which no response is required, and to the extent that a further response is required, the City denies
6 each and every remaining allegation in Paragraph 12.

7 **STATEMENT OF FACTS**

8 A. **The Comprehensive Zoning Plan of the City of Los Angeles**

9 13. Answering Paragraph 13 of the Petition, the City contends that Los Angeles Municipal
10 Code sections 12.00 *et seq.*, speak for themselves and therefore no further response is required. The City
11 further contends that the remainder of Paragraph 13 contains argument, speculation, and conclusions of
12 law to which no response is required, and to the extent that a further response is required, the City denies
13 each and every remaining allegation in Paragraph 13.

14 14. Answering Paragraph 14 of the Petition, the City contends that Los Angeles Municipal
15 Code sections 12.02 speaks for itself and therefore no further response is required. The City further
16 contends that the remainder of Paragraph 14 contains argument, speculation, and conclusions of law to
17 which no response is required, and to the extent that a further response is required, the City denies each
18 and every remaining allegation in Paragraph 14.

19 B. **The Metro Purple Line Heavy Rail Subway Transit Neighborhood Plan**

20 15. Answering Paragraph 15 of the Petition, the City contends that the record of the City's
21 action on the Metro Purple Line is contained in the administrative record for that project and speaks for
22 itself and therefore no further response is required. The City further contends that Measure JJJ speaks
23 for itself and therefore no further response is required. The City further contends that the remainder of
24 Paragraph 15 contains argument, speculation, and conclusions of law to which no response is required,
25 and to the extent that a further response is required, the City denies each and every remaining allegation
26 in Paragraph 15.

27 16. Answering Paragraph 15 of the Petition, the City contends that the record of the City's
28 action on the Transit Oriented Communities Affordable Housing Incentive Program is contained in the

1 administrative record for that project and speaks for itself and therefore no further response is required.
2 The City further contends that Measure JJJ, Los Angeles Municipal Code section 12.22.A.31, and Public
3 Resources Code section 21155 speak for themselves and therefore no further response is required. The
4 City further contends that the remainder of Paragraph 16 contains argument, speculation, and
5 conclusions of law to which no response is required, and to the extent that a further response is required,
6 the City denies each and every remaining allegation in Paragraph 16.

7 17. Answering Paragraph 17 of the Petition, the City contends that the record of the City's
8 action on the Purple Line Transit Neighborhood Plan ("PLTNP") is contained in the administrative
9 record for that project and speaks for itself and therefore no further response is required. The City
10 further contends that the remainder of Paragraph 17 contains argument, speculation, and conclusions of
11 law to which no response is required, and to the extent that a further response is required, the City denies
12 each and every remaining allegation in Paragraph 17.

13 18. Answering Paragraph 18 of the Petition, the City contends that the record of the City's
14 action on the PLTNP is contained in the administrative record for that project and speaks for itself and
15 therefore no further response is required. The City further contends that the California Environmental
16 Quality Act ("CEQA") speaks for itself and therefore no further response is required. The City further
17 contends that the remainder of Paragraph 18 contains argument, speculation, and conclusions of law to
18 which no response is required, and to the extent that a further response is required, the City denies each
19 and every remaining allegation in Paragraph 18.

20 19. Answering Paragraph 19 of the Petition, the City contends that the record of the City's
21 action on the PLTNP is contained in the administrative record for that project and speaks for itself and
22 therefore no further response is required. The City further contends that the remainder of Paragraph 19
23 contains argument, speculation, and conclusions of law to which no response is required, and to the
24 extent that a further response is required, the City denies each and every remaining allegation in
25 Paragraph 19.

26 20. Answering Paragraph 20 of the Petition, the City contends that the record of the City's
27 action on the PLTNP is contained in the administrative record for that project and speaks for itself and
28 therefore no further response is required. The City further contends that the remainder of Paragraph 20

1 contains argument, speculation, and conclusions of law to which no response is required, and to the
2 extent that a further response is required, the City denies each and every remaining allegation in
3 Paragraph 20.

4 21. Answering Paragraph 21 of the Petition, the City contends that the record of the City's
5 action on the PLTNP is contained in the administrative record for that project and speaks for itself and
6 therefore no further response is required. The City further contends that the remainder of Paragraph 21
7 contains argument, speculation, and conclusions of law to which no response is required, and to the
8 extent that a further response is required, the City denies each and every remaining allegation in
9 Paragraph 21.

10 22. Answering Paragraph 22 of the Petition, the City contends that the record of the City's
11 action on the PLTNP is contained in the administrative record for that project and speaks for itself and
12 therefore no further response is required. The City further contends that the remainder of Paragraph 22
13 contains argument, speculation, and conclusions of law to which no response is required, and to the
14 extent that a further response is required, the City denies each and every remaining allegation in
15 Paragraph 22.

16 23. Answering Paragraph 23 of the Petition, the City contends that the record of the City's
17 action on the PLTNP is contained in the administrative record for that project and speaks for itself and
18 therefore no further response is required. The City further contends that the remainder of Paragraph 23
19 contains argument, speculation, and conclusions of law to which no response is required, and to the
20 extent that a further response is required, the City denies each and every remaining allegation in
21 Paragraph 23.

22 C. **The California Public Records Act**

23 24. Answering Paragraph 24 of the Petition, the City contends that Government Code
24 sections 6250 *et seq.*, speak for themselves and therefore no further response is required. The City
25 further contends that the remainder of Paragraph 24 contains argument, speculation, and conclusions of
26 law to which no response is required, and to the extent that a further response is required, the City denies
27 each and every remaining allegation in Paragraph 24.
28

1 25. Answering Paragraph 25 of the Petition, the City contends that Government Code section
2 6252 speaks for itself and therefore no further response is required. The City further contends that the
3 remainder of Paragraph 25 contains argument, speculation, and conclusions of law to which no response
4 is required, and to the extent that a further response is required, the City denies each and every
5 remaining allegation in Paragraph 25.

6 26. Answering Paragraph 26 of the Petition, the City contends that Government Code section
7 6252 speaks for itself and therefore no further response is required. The City further contends that the
8 remainder of Paragraph 26 contains argument, speculation, and conclusions of law to which no response
9 is required, and to the extent that a further response is required, the City denies each and every
10 remaining allegation in Paragraph 26.

11 27. Answering Paragraph 27 of the Petition, the City contends that Government Code section
12 6253 speaks for itself and therefore no further response is required. The City further contends that the
13 remainder of Paragraph 27 contains argument, speculation, and conclusions of law to which no response
14 is required, and to the extent that a further response is required, the City denies each and every
15 remaining allegation in Paragraph 27.

16 28. Answering Paragraph 28 of the Petition, the City contends that Government Code section
17 6253 speaks for itself and therefore no further response is required. The City further contends that the
18 remainder of Paragraph 28 contains argument, speculation, and conclusions of law to which no response
19 is required, and to the extent that a further response is required, the City denies each and every
20 remaining allegation in Paragraph 28.

21 29. Answering Paragraph 29 of the Petition, the City contends that Government Code section
22 6253 speaks for itself and therefore no further response is required. The City further contends that the
23 remainder of Paragraph 29 contains argument, speculation, and conclusions of law to which no response
24 is required, and to the extent that a further response is required, the City denies each and every
25 remaining allegation in Paragraph 29.

26 30. Answering Paragraph 30 of the Petition, the City contends that Paragraph 30 contains
27 argument, speculation, and conclusions of law to which no response is required, and to the extent that a
28 further response is required, the City denies each and every allegation in Paragraph 30.

1 31. Answering Paragraph 31 of the Petition, the City contends that Government Code section
2 6255 speaks for itself and therefore no further response is required. The City further contends that the
3 remainder of Paragraph 31 contains argument, speculation, and conclusions of law to which no response
4 is required, and to the extent that a further response is required, the City denies each and every
5 remaining allegation in Paragraph 31.

6 **D. Petitioner's Public Records Act Request**

7 32. Answering Paragraph 32 of the Petition, the City contends that Petitioner's Public
8 Records Act requests at issue in the above-caption proceedings, and the City's responses to those
9 requests, speak for themselves and therefore no further response is required. The City further contends
10 that the remainder of Paragraph 32 contains argument, speculation, and conclusions of law to which no
11 response is required, and to the extent that a further response is required, the City denies each and every
12 remaining allegation in Paragraph 32.

13 33. Answering Paragraph 33 of the Petition, the City contends that Petitioner's Public
14 Records Act requests at issue in the above-caption proceedings, and the City's responses to those
15 requests, speak for themselves and therefore no further response is required. The City further contends
16 that the remainder of Paragraph 33 contains argument, speculation, and conclusions of law to which no
17 response is required, and to the extent that a further response is required, the City denies each and every
18 remaining allegation in Paragraph 33.

19 34. Answering Paragraph 33 of the Petition, the City contends that Petitioner's Public
20 Records Act requests at issue in the above-caption proceedings, and the City's responses to those
21 requests, speak for themselves and therefore no further response is required. The City further contends
22 that the remainder of Paragraph 34 contains argument, speculation, and conclusions of law to which no
23 response is required, and to the extent that a further response is required, the City denies each and every
24 remaining allegation in Paragraph 34.

25 35. Answering Paragraph 35 of the Petition, the City contends that Petitioner's Public
26 Records Act requests at issue in the above-caption proceedings, and the City's responses to those
27 requests, speak for themselves and therefore no further response is required. The City further contends
28 that the remainder of Paragraph 35 contains argument, speculation, and conclusions of law to which no

1 response is required, and to the extent that a further response is required, the City denies each and every
2 remaining allegation in Paragraph 35.

3 36. Answering Paragraph 36 of the Petition, the City contends that Petitioner's Public
4 Records Act requests at issue in the above-caption proceedings, and the City's responses to those
5 requests, speak for themselves and therefore no further response is required. The City further contends
6 that the remainder of Paragraph 36 contains argument, speculation, and conclusions of law to which no
7 response is required, and to the extent that a further response is required, the City denies each and every
8 remaining allegation in Paragraph 36.

9 37. Answering Paragraph 37 of the Petition, the City contends that Petitioner's Public
10 Records Act requests at issue in the above-caption proceedings, and the City's responses to those
11 requests, speak for themselves and therefore no further response is required. The City further contends
12 that the remainder of Paragraph 37 contains argument, speculation, and conclusions of law to which no
13 response is required, and to the extent that a further response is required, the City denies each and every
14 remaining allegation in Paragraph 37.

15 38. Answering Paragraph 38 of the Petition, the City contends that Petitioner's Public
16 Records Act requests at issue in the above-caption proceedings, and the City's responses to those
17 requests, speak for themselves and therefore no further response is required. The City further contends
18 that the remainder of Paragraph 38 contains argument, speculation, and conclusions of law to which no
19 response is required, and to the extent that a further response is required, the City denies each and every
20 remaining allegation in Paragraph 38.

21 39. Answering Paragraph 39 of the Petition, the City contends that Petitioner's Public
22 Records Act requests at issue in the above-caption proceedings, and the City's responses to those
23 requests, speak for themselves and therefore no further response is required. The City further contends
24 that the remainder of Paragraph 39 contains argument, speculation, and conclusions of law to which no
25 response is required, and to the extent that a further response is required, the City denies each and every
26 remaining allegation in Paragraph 39.

27 40. Answering Paragraph 40 of the Petition, the City contends that Petitioner's Public
28 Records Act requests at issue in the above-caption proceedings, and the City's responses to those

1 requests, speak for themselves and therefore no further response is required. The City further contends
2 that the remainder of Paragraph 40 contains argument, speculation, and conclusions of law to which no
3 response is required, and to the extent that a further response is required, the City denies each and every
4 remaining allegation in Paragraph 40.

5 41. Answering Paragraph 41 of the Petition, the City contends that Government Code section
6 6255 speaks for itself and therefore no further response is required. The City further contends that the
7 remainder of Paragraph 41 contains argument, speculation, and conclusions of law to which no response
8 is required, and to the extent that a further response is required, the City denies each and every
9 remaining allegation in Paragraph 41.

10 42. Answering Paragraph 42 of the Petition, the City contends that Government Code section
11 6258 speaks for itself and therefore no further response is required. The City further contends that the
12 remainder of Paragraph 42 contains argument, speculation, and conclusions of law to which no response
13 is required, and to the extent that a further response is required, the City denies each and every
14 remaining allegation in Paragraph 42.

15 43. Answering Paragraph 43 of the Petition, the City contends that Government Code section
16 6259 speaks for itself and therefore no further response is required. The City further contends that the
17 remainder of Paragraph 43 contains argument, speculation, and conclusions of law to which no response
18 is required, and to the extent that a further response is required, the City denies each and every
19 remaining allegation in Paragraph 43.

20 44. Answering Paragraph 44 of the Petition, the City contends that Government Code section
21 6259 speaks for itself and therefore no further response is required. The City further contends that the
22 remainder of Paragraph 44 contains argument, speculation, and conclusions of law to which no response
23 is required, and to the extent that a further response is required, the City denies each and every
24 remaining allegation in Paragraph 44.

25 45. Answering Paragraph 45 of the Petition, the City contends that Government Code section
26 6259 speaks for itself and therefore no further response is required. The City further contends that the
27 remainder of Paragraph 45 contains argument, speculation, and conclusions of law to which no response
28

1 is required, and to the extent that a further response is required, the City denies each and every
2 remaining allegation in Paragraph 45.

3 **FIRST CAUSE OF ACTION**

4 **(Failure to Perform a Mandatory Duty Pursuant to the California Public Records Act)**

5 46. Answering Paragraph 46 of the Petition, the City incorporates by reference its responses
6 to each and every paragraph of the Petition set forth above.

7 47. Answering Paragraph 47 of the Petition, the City contends that the California Public
8 Records Act (Government Code sections 6250 *et seq.*) speaks for itself and therefore no further response
9 is required. The City further contends that the remainder of Paragraph 47 contains argument,
10 speculation, and conclusions of law to which no response is required, and to the extent that a further
11 response is required, the City denies each and every remaining allegation in Paragraph 47.

12 48. Answering Paragraph 48 of the Petition, the City contends that the California Public
13 Records Act (Government Code sections 6250 *et seq.*) speaks for itself and therefore no further response
14 is required. The City further contends that the remainder of Paragraph 48 contains argument,
15 speculation, and conclusions of law to which no response is required, and to the extent that a further
16 response is required, the City denies each and every remaining allegation in Paragraph 48.

17 49. Answering Paragraph 49 of the Petition, the City contends that the California Public
18 Records Act (Government Code sections 6250 *et seq.*) speaks for itself and therefore no further response
19 is required. The City further contends that the remainder of Paragraph 49 contains argument,
20 speculation, and conclusions of law to which no response is required, and to the extent that a further
21 response is required, the City denies each and every remaining allegation in Paragraph 49.

22 50. Answering Paragraph 50 of the Petition, the City contends that the California Public
23 Records Act (Government Code sections 6250 *et seq.*) speaks for itself and therefore no further response
24 is required. The City further contends that the record of the City's action on the PLTNP is contained in
25 the administrative record for that project and speaks for itself and therefore no further response is
26 required. The City further contends that the remainder of Paragraph 50 contains argument, speculation,
27 and conclusions of law to which no response is required, and to the extent that a further response is
28 required, the City denies each and every remaining allegation in Paragraph 50.

1 51. Answering Paragraph 50 of the Petition, the City contends that Paragraph 51 contains
2 argument, speculation, and conclusions of law to which no response is required, and to the extent that a
3 further response is required, the City denies each and every remaining allegation in Paragraph 51.

4 52. Answering Paragraph 52 of the Petition, the City contends that the California Public
5 Records Act (Government Code sections 6250 *et seq.*) speaks for itself and therefore no further response
6 is required. The City further contends that the remainder of Paragraph 52 contains argument,
7 speculation, and conclusions of law to which no response is required, and to the extent that a further
8 response is required, the City denies each and every remaining allegation in Paragraph 52.

9 53. Answering Paragraph 53 of the Petition, the City contends that Paragraph 53 contains
10 argument, speculation, and conclusions of law to which no response is required, and to the extent that a
11 further response is required, the City denies each and every remaining allegation in Paragraph 53.

12 **CITY'S RESPONSE TO PETITIONER'S PRAYER FOR RELIEF**

13 1. Answering Paragraph 1 of Petitioner's Prayer for Relief, the City denies that Petitioner is
14 entitled to any of the relief it requests, or to any relief whatsoever.

15 2. Answering Paragraph 2 of Petitioner's Prayer for Relief, the City denies that Petitioner is
16 entitled to any of the relief it requests, or to any relief whatsoever.

17 3. Answering Paragraph 3 of Petitioner's Prayer for Relief, the City denies that Petitioner is
18 entitled to any of the relief it requests, or to any relief whatsoever.

19 4. Answering Paragraph 4 of Petitioner's Prayer for Relief, the City denies that Petitioner is
20 entitled to any of the relief it requests, or to any relief whatsoever.

21 5. Answering Paragraph 5 of Petitioner's Prayer for Relief, the City denies that Petitioner is
22 entitled to any of the relief it requests, or to any relief whatsoever.

23 6. Answering Paragraph 6 of Petitioner's Prayer for Relief, the City denies that Petitioner is
24 entitled to any of the relief it requests, or to any relief whatsoever.

25 7. Answering Paragraph 7 of Petitioner's Prayer for Relief, the City denies that Petitioner is
26 entitled to any of the relief it requests, or to any relief whatsoever.

1 **AFFIRMATIVE DEFENSES**

2 Without admitting it carries the burden of proof as to any of Petitioner's causes of action, the
3 City alleges the following separate and independent affirmative defenses. The City reserves the right to
4 assert additional affirmative defenses, cross-claims, or third party claims whenever the basis for such
5 allegations is discovered.

6 **FIRST AFFIRMATIVE DEFENSE**

7 **(Failure to State a Claim)**

8 As a first, separate affirmative defense, the Petition and each and every cause of action alleged
9 therein fail to allege facts sufficient to constitute a cause of action.

10 **SECOND AFFIRMATIVE DEFENSE**

11 **(No Available Relief)**

12 As a second, separate affirmative defense, the Petition and each and every cause of action
13 alleged therein fail to allege facts sufficient to state a claim for which the Court may grant relief.

14 **THIRD AFFIRMATIVE DEFENSE**

15 **(Lack of Standing)**

16 As a third, separate affirmative defense, Petitioner lacks standing and capacity to bring or
17 maintain this action.

18 **FOURTH AFFIRMATIVE DEFENSE**

19 **(Failure to Exhaust Administrative Remedies)**

20 As a fourth, separate affirmative defense, the Petition and each and every cause of action alleged
21 therein are barred because Petitioner failed to exhaust its administrative remedies as required to maintain
22 the causes of action.

23 **FIFTH AFFIRMATIVE DEFENSE**

24 **(Laches)**

25 As a sixth, separate affirmative defense, the Petition and each and every cause of action alleged
26 therein are barred by the doctrine of laches.

1 **SIXTH AFFIRMATIVE DEFENSE**

2 **(Unclean Hands)**

3 As a first, separate affirmative defense, the Petition and each and every cause of action alleged
4 therein are barred by the doctrine of unclean hands.

5 **SEVENTH AFFIRMATIVE DEFENSE**

6 **(Estoppel)**

7 As a seventh, separate affirmative defense, Petitioner is estopped to assert the claims and matters
8 set forth in the Petition and each and every cause of action alleged therein.

9 **EIGHTH AFFIRMATIVE DEFENSE**

10 **(Waiver)**

11 As a eighth, separate affirmative defense, Petitioner waived the claims and matters set forth in
12 the Petition and each and every cause of action alleged therein.

13 **NINTH AFFIRMATIVE DEFENSE**

14 **(Acts in Accordance with Law and Substantial Evidence)**

15 As a ninth, separate affirmative defense, with respect to all matters and causes of action alleged
16 in the Petition, the City (i) proceeded in the manner required by law; (ii) did not act arbitrarily,
17 capriciously, or wholly without evidentiary support; (iii) did not abuse its discretion; and (iv) made all
18 required findings, which supported the City's actions and were themselves supported by substantial
19 evidence.

20 **TENTH AFFIRMATIVE DEFENSE**

21 **(No Public Benefit)**

22 As a tenth, separate affirmative defense, the relief sought by Petitioner is not in the public
23 interest and would not confer a public benefit.

24 **ELEVENTH AFFIRMATIVE DEFENSE**

25 **(Improper Control of a Public Agency)**

26 As an eleventh, separate affirmative defense, the relief that Petitioner seeks, if granted, would
27 improperly interfere with the City's lawful exercise of its discretion as a public agency and would
28 compel the City to act in a manner that it deems contrary to public policy.

1 **TWELFTH AFFIRMATIVE DEFENSE**

2 **(No Right to Relief)**

3 As a twelfth, separate affirmative defense, Petitioner has no clear, present, and beneficial right to
4 the relief it seeks.

5 **THIRTEENTH AFFIRMATIVE DEFENSE**

6 **(No Prejudice)**

7 As a thirteenth, separate affirmative defense, Petitioner is not entitled to any relief, insofar as the
8 City complied with all applicable laws, and to the extent any error was made, such error was not
9 prejudicial.

10 **FOURTEENTH AFFIRMATIVE DEFENSE**

11 **(Ripeness)**

12 As a fourteenth, separate affirmative defense, Petitioner's claims are not ripe for adjudication.

13 **FIFTEENTH AFFIRMATIVE DEFENSE**

14 **(Statute of Limitations)**

15 As a fifteenth, separate affirmative defense, the Petition and each and every cause of action
16 alleged therein are barred by the applicable statute of limitations.

17 **SIXTEENTH AFFIRMATIVE DEFENSE**

18 **(Contrary to Public Policy)**

19 As a sixteenth, separate affirmative defense, the Petition and each and every cause of action
20 alleged therein are barred because the relief Petitioner seeks, if granted, would compel the City to act in
21 a manner contrary to public policy.

22 **PRAYER**

23 WHEREFORE, the City prays for the following relief:

- 24 1. Deny Petitioner's request for relief in all respects and hold that Petitioner takes nothing
25 by this action;
- 26 2. Enter judgment in favor of the City and dismiss the Petition and each and every cause of
27 action therein;
- 28 3. Award the City costs of suit;

4. Grant the City such other relief as the Court deems just and proper.

DATED: November 1, 2019

**OFFICE OF THE LOS ANGELES CITY
ATTORNEY**

By: ***/s/ LEONARD P. ASLANIAN***

MICHAEL N. FEUER, City Attorney

TERRY P. KAUFMANN MACIAS,

Sr. Asst. City Attorney

JOHN W. FOX, Deputy City Attorney

LEONARD P. ASLANIAN, Deputy City Attorney

Attorneys for Respondent

CITY OF LOS ANGELES

1 **PROOF OF SERVICE**

2 I, the undersigned, say: I am over the age of 18 years and not a party to the within action or
3 proceeding. My business address is 200 North Main Street, 701 City Hall East, Los Angeles, California
4 90012.

5 On November, I served the foregoing documents described as: **RESPONDENTS CITY OF LOS**
6 **ANGELES AND LOS ANGELES DEPARTMENT OF CITY PLANNING'S ANSWER TO**
7 **VERIFIED PETITION FOR WRIT OF MANDATE AND COMPLAINT FOR DECLARATORY**
8 **RELIEF** on all interested parties in this action as follows:

9 Sabrina D. Venskus, Esq.
10 Jason R. Sanders, Esq.
11 **VENSKUS & ASSOCIATES, A.P.C**
12 1055 Wilshire Blvd., Suite 1996
13 Los Angeles, CA 90017
14 Email: venskus@lawsv.com
15 jsanders@lawsv.com

16 ☒ **BY MAIL** - I deposited such envelope(s) for collection, processing and mailing by my office. I
17 am readily familiar with the business practice of my office for collection and processing of
18 correspondence for mailing with the United States Postal Service. Under that practice, it is
19 deposited with the United States Postal Service on that same day, at
20 Los Angeles, California, in the ordinary course of business. I am aware that on motion of the
21 party served, service is presumed invalid if postage cancellation date or postage meter date is
22 more than one (1) day after the date of deposit for mailing in affidavit; and/or

23 ☐ **BY OVERNIGHT COURIER** - I deposited such envelope in a regularly maintained overnight
24 courier parcel receptacle prior to the time listed thereon for pick-up. Hand delivery was
25 guaranteed by the next business day.

26 ☐ **BY PERSONAL SERVICE** - () I delivered by hand, or () I caused to be delivered via
27 messenger service, such envelope to the offices of the addressee with delivery time prior to 5:00
28 p.m. on the date specified above.

☐ **BY ELECTRONIC MAIL** - I transmitted via EMAIL the document(s) listed above to the parties
set forth above on this date.

I declare that I am employed in the office of a member of the bar of this court at whose direction
the service was made. I declare under penalty of perjury under the laws of the State of California that
the foregoing is true and correct. Executed on November 1, 2019, at Los Angeles, California.

/s/ Anna M. Garcia
ANNA M. GARCIA